

JOE WARDY  
MAYOR



## CITY COUNCIL

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

### REGULAR COUNCIL MEETING COUNCIL CHAMBERS NOVEMBER 18, 2003 9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call at 9:04 a.m.: Susan Austin, Robert A. Cushing, Jr., John F. Cook, Daniel S. Power, Vivian Rojas and Anthony W. Cobos. Late Arrival: Jose Alexandro Lozano arrived at 9:10 a.m. and Paul J. Escobar arrived at 9:27 a.m. Early Departure: Representative Escobar and Mayor Joe Wardy left the meeting before coming out of Executive Session at 2:05 p.m. Absent: None. Meeting was called to order and the invocation was given by Pastor Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

### MAYOR'S PROCLAMATIONS

1. ***Employer Support of the Guard and Reserve Week***
2. ***Southwest Airlines-Home for the Holidays***
3. ***Native American Month***

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to suspend the Rules of Order regarding electronic voting for the remainder of the meeting.

Discussion and action on requiring pavement at the properties located at 4908 Hercules and 4225 Skyline. These properties were developed prior to the Ordinance requiring asphalt paving and should be grandfathered. [Braxton Merritt]

Motion made by Representative Cushing, seconded by Representative Cobos and carried to deny the request of as posted on the agenda for the grandfathering and to request that Mr. Merritt worked with City staff, Building Permits and Inspections, to find a solution for the paving as would be addressed under other comparable dust-free surfaces. [Braxton Merritt]

AYES: Representatives Austin, Cushing, Lozano, Escobar, Rojas and Cobos

NAYS: Representatives Cook and Power

Mr. Braxton Merritt, property owner, explained issues regarding the paving of his apartment complex parking lot.

Mayor Joe Wardy commented on parking lots and changes in ownership issues.

Representative Cushing asked questions of Mr. Thomas Maguire, Building Permits and Inspections Department.



**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contract on behalf of the Arts and Culture Department, between the City and local musician Ruben Gutierrez, in the amount of \$500.00, for professional services as the piano accompanist during the FY2004 Young at Art Series Missoula Children's Theater performances January 12-17, 2004, as recommended by the Arts and Culture Department staff and Arts and Culture Advisory Board.

1. Rolando Morales for Mariachi Los Arrieros; one performance on Sunday, June 20, 2004; cost of \$2,500.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contract on behalf of the Arts and Culture Department, between the City and local musician Ruben Gutierrez, in the amount of \$500.00, for professional services as the piano accompanist during the FY2004 Young at Art Series Missoula Children's Theater performances January 12-17, 2004, as recommended by the Arts and Culture Department staff and Arts and Culture Advisory Board.

Motion made, seconded and unanimously carried to move to the regular agenda the following:  
See discussion pages 33 through 37.

**RESOLUTION**

**WHEREAS**, the El Paso City Council has authorized a Bond Election on February 7, 2004, whereby the citizens will approve or disapprove propositions totaling \$115 million, and bond issuance costs; and

**WHEREAS**, these bond propositions will include (1) capital acquisitions, (2) public improvement projects that will improve capital programs of Fire, Flood Control, Health, Municipal Facilities, Libraries, Parks, and Street & Drainage Improvements, and (3) "Two Percent for Public Arts"; and

**WHEREAS**, any public improvement project funded with general obligation bonds requires that two percent of the total funding be used for furthering the development of the fine arts through the acquisition or commissioning of art for municipal places as authorized by the El Paso City Council (referred to as the "Two Percent for Public Arts"); and

**WHEREAS**, the public improvement projects proposed within each capital program involve construction that in most instances will occur over three years according to the following schedule:

2004 First Year of Bond Sale. Work begins on projects; design work initiated; some construction initiated;

2005 Second Year of Bond Sale. Most design work completed; more construction initiated;

2006 Third Year of Bond Sale. Construction underway or substantially completed; and

**WHEREAS**, El Pasoans will have an opportunity to vote on the bond issue with separate bond propositions; and

**WHEREAS**, the El Paso City Council wishes to assure the citizens that if the respective propositions are approved, the funds will actually be used for specified public improvement projects, the Two Percent for Public Arts, and capital acquisitions that are considered a priority and necessary for continuing operations of the City; and

**WHEREAS**, the items identified within Attachments “A” (Capital Budget Summary) and “B” (Capital Budget Description) hereto represent the capital budget for which the bond proceeds will be used during the multi-year schedule;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:**

1. **THAT** the Mayor and City Council hereby adopt the list of items identified in Attachments "A" (Capital Budget Summary) and "B" (Capital Budget Description) hereto as the officially approved capital budget to be funded by the \$115,550,000 Bond Proposal Issue and bond issuance costs:

**2. THAT,** it is the intention of the City Council that each of the described items within the capital budget set forth in Attachments "A" (Capital Budget Summary) and "B" (Capital Budget Description) be funded with the proceeds of bonds should the voters approve the propositions under which an item is listed. No new items shall be funded out of such voted authorization until either all of the items listed have been provided or funds set aside for such purposes. No substitution of any item shall be made, unless it is first determined by a majority of the City Council that an item originally intended to be funded is no longer feasible due to an extraordinary change or circumstance or the item cannot be provided with the funds allocated in Attachments "A" (Capital Budget Summary) and "B" (Capital Budget Description) for such item. Any item substitution proposed shall be of a similar nature to the extent practical, and shall be within the same bond proposition program.

3. **THAT**, this Resolution shall take effect from and after the date of its passage. The City Council shall utilize the listing in Attachments "A" (Capital Budget Summary) and "B" (Capital Budget Description) for purposes of presenting the capital budget to be funded with proceeds of an approved Bond Election on February 7, 2004, and no other listing.

NOTE: Resolution was revised.

NOTE: Resolution was considered with an Ordinance 15611 of the City Council of the City of El Paso, Texas, calling a Bond Election to be held within the City, on February 7, 2004; making provisions for the conduct of the election and other provisions incident and related to the purpose of this Ordinance, and providing an effective date.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

## RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **MONICA ACUNA**, to assist the City Attorney's Office as a Legal Secretary at an hourly rate of \$12.02 for 40 hours per week. The term of the contract shall be for the period of November 19, 2003 through November 18, 2004.

Ms. Lisa Turner, citizen, questioned why the position was not filled by a civil servant.

**Mayor Joe Wardy explained.**

Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to approve the above Resolution.

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\*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor is hereby authorized to sign, on behalf of the City, an Access Agreement between the City of El Paso and Dr. Wen-Yee Lee, to allow access to conduct soil, air and water sampling and testing at various City owned properties and rights of way in and around the City and County of El Paso.  
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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Health Science Program Agreement by and between the City of El Paso and the University of Texas at El Paso relating to the placement of Health Science Program students as unpaid interns with the Department of Community and Human Development from the period of November 19, 2003 through October 31, 2008. [No City matching funds required]

.....  
Motion made, seconded and unanimously carried to move to the forefront and regular agenda the following:

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the City of El Paso and Project ARRIBA Advanced Retraining and Redev, Inc. for occupational training, case management and supportive services, in the amount of \$120,000.00. The term of the contract is from November 18, 2003 through August 31, 2004.

- Representative Austin requested funding information.
- Ms. Debbie Hamlyn, Deputy CAO for Quality of Life Services, explained.
- Mr. Les Parker, President of United Bank Paso Del Norte and Chairman of Project ARRIBA, a 501(c)(3), explained that Project ARRIBA provided education and assistance to move people from welfare to good paying jobs; however, Project ARRIBA must have the support of the public sector.
- Mayor Joe Wardy commented.
- Representatives Austin, Cook, Cushing, Power, Escobar, and Austin commented.
- Father Ed Roden-Lucero, Vice-Chair of Project ARRIBA and Co-Chair of EPISO, commented and introduced two students currently enrolled in the program.
- Ms. Monica Najera, student, commented in favor of Project ARRIBA.
- Ms. Kathryn Senne, student, commented in favor of Project ARRIBA.
- Mr. Ray Gilbert, citizen, stated his opposition to Project ARRIBA.
- Ms. Theresa Caballero, citizen, stated her opposition to Project ARRIBA.

Mayor Wardy instructed City Clerk, Richarda Momsen, to include in the record his statement, "I never been threatened by EPISO, in fact I embrace what they support in our community because we serve the entire citizens of this City."

Motion made by Representative Austin, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a letter committing a combination loan/grant in the amount of \$468,515 to the Opportunity Center for the Homeless from the City's 2003-2004 HOME Grant to be used by the Opportunity Center to rehabilitate a vacant structure at 1318 Myrtle into 12 SRO (single room occupancy) units of permanent housing for chronically homeless women. The rehabilitation of this structure will enable the Opportunity Center to access a HUD award of approximately \$552,000 in Section 8 Certificates that will subsidize for ten years the rents of the homeless women who will occupy the units. The City's contribution will also leverage \$150,000 in funding for this project from the El Paso Empowerment Zone Corporation.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien against the following described real property:

A portion of Lot 2, Block 1, RANCHO ALEGRE SUBDIVISION, an Addition to the City of Paso, El Paso County, Texas, according to the plat thereof on file in Volume 43, Page 5, Real Property Records, El Paso County, Texas, being more particularly described by metes and bounds attached to the Release of Lien.

related to that certain promissory note executed by Bienvivir Senior Health Services in connection with the September 24, 1991 Forgivable Loan Agreement and the January 12, 1993 Forgivable Loan Agreement by and between Bienvivir Senior Health Services and the City of El Paso, for the property located at 940 N. Carolina, El Paso, Texas.

Representative Rojas questioned the requirements for a Release of Lien.

Ms. Nathalie Prise, Provisional Director of Community and Human Development, explained.

Motion made by Representative Rojas, seconded by Representative Austin and unanimously carried to approve the above Resolution.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Six Thousand Fifty And No/100ths Dollars (\$6,050.00-\$720 Grant/\$5,330 Loan) against the following described real property:

Lot 19, Block 15, Colonia Verde Addition Unit 2, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 6, Page 51 Plat Records of El Paso County, Texas. 5517 Pembroke Lane

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Twenty Four And 76/100ths Dollars (\$24.76).

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien against the following described real property:

Tracts 8B and 8D, Block 24, Ysleta Grant, to the City of El Paso, El Paso County, Texas, more commonly known as 7261 through 7263 Alameda, El Paso, Texas.

For consideration paid to the City in full satisfaction of certain Real Estate Notes executed by the owner of the above-referenced property and payable to the order of the City of El Paso.

Representative Rojas questioned the requirements for a Release of Lien.

Ms. Nathalie Prise, Provisional Community and Human Development Director, explained.

Motion made by Representative Rojas, seconded by Representative Austin and unanimously carried to approve the above Resolution.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Four Thousand One Hundred Fifty And No/100ths Dollars (\$4,150.00-\$575 Grant/\$3,575 Loan) against the following described real property:

Lot 22, Block 9, Lancaster Addition Unit Two, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Book 37, Page 19 Plat Records of El Paso County, Texas. 9317 Yorktown

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Five Hundred Forty Four And 19/100ths Dollars (\$544.19).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Fifteen Thousand Fifty And No/100ths Dollars (\$15,050.00-\$1,051 Grant/\$13,999 Loan) against the following described real property:

All of Lot 27, and the South ½ of Lot 28, Block 2, Val Verde Addition Supplemental Map, an Addition to the City of El Paso, according to the plat thereof on file in Book 17, Page 19, Plat Records, El Paso County, Texas, also known and numbered as 215 N. Concepcion.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Five Thousand Three Hundred Sixty Seven And No/100ths Dollars (\$5,367.00-\$767 Grant/\$610 Grant/\$3,990 Loan) against the following described real property:

Lot 11, Block 24, Milagro Hills Addition Unit Three, an Addition to the City of El Paso, according to the plat thereof on file in Book 2, Page 24, Plat Records, El Paso County, Texas, also known and numbered as 5220 Marcillus

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign, with El Paso Community College, the Texas Engineering Extension Services, the Upper Rio Grande Workforce Development Board, and the Rio Grande Council of Governments, documents necessary to apply to the U. S. Environmental Protection Agency for a brownfields training grant in the amount of \$193,128.00 which proceeds shall be used for establishing and conducting Brownfields Heavy Equipment Operation in Environmentally Sensitive Areas Courses.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Interlocal Agreement between the City and County of El Paso, on behalf of the El Paso City-County Health and Environmental District, and the City Of Socorro, for the provision of public health services by the Health District to residents of the City of Socorro. This Agreement is not to exceed the amount of \$123,609.60, and shall be effective from September 1, 2003 through August 31, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Interlocal Agreement between the City and County of El Paso, on behalf of the El Paso City-County Health and Environmental District, and the Town of Horizon City, Texas for the provision of public health services by the Health District to residents of the Town of Horizon City. This agreement is in the amount of \$24,317.88, and shall be effective from September 1, 2003 through August 31, 2004.



**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Interlocal Agreement between the City and County of El Paso, on behalf of the El Paso City-County Health and Environmental District, and the Village of Vinton, Texas, for the provision of public health services by the Health District to residents of the Village of Vinton. This Agreement is in the amount of \$8,297.28, and shall be effective from September 1, 2003 through August 31, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Interlocal Agreement between the City and County of El Paso, on behalf of the El Paso City-County Health and Environmental District, and the Town of Anthony, Texas, for the provision of public health services by the Health District to residents of the Town of Anthony. This Agreement is not to exceed the amount of \$11,566.20 and shall be effective from September 1, 2003 through August 31, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign, on behalf of the El Paso City-County Health and Environmental District, and Region XIX Education Service Center the fiscal agent for the Head Start Program. The Health District will provide dental care services and dental care information to minor participants and pregnant women in Agency's Early Head Start and Head Start Programs. FY'2004 Region XIX Education Service Center will reimburse the Health District at Medicaid rate for services provided not to exceed \$50,000.00. Term of contract is from September 2, 2003 through August 31, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a portion of S.A. and M.G. Railroad, Survey #268, El Paso County, Texas to provide service to the Westside Library.

**\*RESOLUTION**

**WHEREAS**, the City owns a 40 foot right-of way known as the White Spur Drain, a portion of which forms the easterly boundary of property owned by Villa Encanto for which a final subdivision plat has been approved by the City Plan Commission as the Villa Encanto Subdivision;

**WHEREAS**, portions of the maintenance road currently used by the City to maintain the White Spur Drain are located on land where ownership is contested between Villa Encanto and the City. The City would prefer to have several hundred feet of its White Spur Drain concrete lined so that it will no longer need the maintenance road in this area;

**WHEREAS**, Villa Encanto is willing to construct the concrete lining so that the maintenance road will no longer be required in consideration of the City participating in 30% of the cost under this Developer Agreement; and

**WHEREAS**, this Developer Agreement will allow improvement of the White Spur Drain and allow improvements to the Subdivision in a more timely and cost-efficient manner that benefits both the City and Villa Encanto.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:**

That the Mayor be authorized to sign a Developer Agreement between Villa Encanto L.P. and the City of El Paso for the construction of certain improvements to the White Spur Drain in the vicinity of Villa Encanto Drive and Sunset Drive. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Traffic Signal Agreement between the CITY OF EL PASO and the EL PASO INDEPENDENT SCHOOL DISTRICT for the installation of two (2) school flasher signals near **Vilas Elementary School**, located on Lawton Drive. Total cost to the City is SEVEN THOUSAND EIGHTY and 00/100 DOLLARS (\$7,080.00).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Traffic Signal Agreement between the CITY OF EL PASO and the EL PASO INDEPENDENT SCHOOL DISTRICT for the installation of two (2) school flasher signals near **Hart Elementary School**, located on South Park Street. Total cost to the City is SEVEN THOUSAND FOUR HUNDRED EIGHTY and 00/100 (\$7,480.00).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ABEL CASTANEDA**, as an Undergraduate Intern for the Department of the Municipal Clerk at \$7.25 per hour not to exceed 40 hours per week. The term of the Contract shall be from November 19, 2003 through November 18, 2004.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gifts:

1. One (1) acrylic on canvas by Gaspar Enriquez and La Bowie High School Students, **Untitled Mural**, 72" x 144" diptych, offered by Target Corporation, and
2. One (1) etching on paper, by Irving Schwartz, **Untitled (Indian Dance)**, 5 7/8" x 7 7/8", offered by Mickey Schwartz, and
3. One (1) etching on paper, by Irving Schwartz, **Store Santa Claus**, 11 1/4" x 8 3/4", offered by Mickey Schwartz, and

4. One (1) lithograph on paper, by Alfredo Arreguin, ***Rio Salado***, 1986, 30" x 22", offered by MARS Artspace, and
5. One (1) lithograph on paper, by Diane Gamboa, ***Tight Rope***, 1987, 22" x 30", offered by MARS Artspace, and
6. One (1) lithograph on paper, by Rupert Garcia, ***Goliath Over David***, 1987, 30" x 22", offered by MARS Artspace, and
7. One (1) lithograph on paper, by Dolores Guerrero-Cruz, ***Red Rider in Hood***, 1994, 30" x 22", offered by MARS Artspace, and
8. One (1) lithograph on paper, by Cesar Martinez, ***Vato con Sunglasses***, 1990, 30" x 22", offered by MARS Artspace, and
9. One (1) lithograph on paper, by Joe Ray, ***Advanced Stages of Pendejismo***, 1997, 22" x 30", offered by MARS Artspace, and
10. One (1) lithograph on paper, by Frank Ybarra, ***Desert Landscape Maintenance***, 2000, 30" x 22", offered by MARS Artspace.

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the "Park Partner" Agreement with the following organization for maintenance and other services on City property as described in the Agreement:

El Paso Storm Soccer Club/Sun City                      Grandview Park Flag FB

AND THAT the Mayor be further authorized to sign additional documents and take additional action necessary to fulfill the purpose of this contract.

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contract on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for this contract is in fiscal year **2003/2004** appropriations to be approved by the City Council.

**GALATZAN RECREATION CENTER**

**DEPARTMENT ID: 51510131, ACCOUNT 502116**

- |                |  |
|----------------|--|
| 1. CONTRACTOR: | Maria Renteria, Basketball Officials   |
| DATES:         | November 29, 2003 thru August 31, 2004 |
| RATE PER GM:   | \$21.00                                |
| MAXIMUM AMT:   | \$1,932.00                             |
| CONTRACT:      | <b>2003/2004-078</b>                   |

Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **PAUL RAY PINON**, to assist the Police Department as an Underage Drinking Initiative Coordinator at a biweekly rate of \$1,346.15 for 40 hours per week. The term of the contract shall be for the period of December 1, 2003 through November 30, 2004.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to approve the above Resolution.

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to submit a Community Assistance Application to the Junior League of El Paso to request funding from their Community Assistance fund in the amount of \$5,900.00, for the purpose of obtaining five automatic external defibrillators to be installed in the Police Department's patrol vehicles. No matching funds required.

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a State and Local Task Force Agreement between the Drug Enforcement Administration and the City of El Paso relating to special joint law enforcement task forces, whereby the Police Department will work with the DEA's task forces through September 30, 2004.

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**\*RESOLUTION**

WHEREAS, the Police Department canine, "Xena," is eight years old and has served the City well for the past four years; and

WHEREAS, due to age, "Xena" is experiencing medical problems and needs to retire from her duties as a police canine; and

WHEREAS, "Xena" has no value to the City to be sold or traded as a working police canine and due to the benefits "Xena" will receive from being retired to her handler, City policy authorizes the transfer to her handler at no cost; and

WHEREAS, transferring "Xena" to her handler is in the best interests of "Xena" and allows the Police Department to dispose of the dog without facing the possibility that she would have to be destroyed; and

WHEREAS, her handler shall assume all responsibility and risk of liability associated with the keeping of "Xena."

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

That the retirement of the Police Department canine "Xena" by transferring her to her handler is authorized at no cost.

.....  
**\*RESOLUTION**

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Victim Services Response Team be operated for the July 1, 2004—June 20, 2005 year; and

WHEREAS, the El Paso City Council agrees to provide applicable matching funds for the said project as required by the Office of the Governor grant application; and

WHEREAS, the El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, the El Paso City Council designates Mayor Joe Wardy as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the El Paso City Council approves submission of the grant application for the Victim Services Response Team project to the Office of the Governor, Criminal Justice Division.

2. The Mayor be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$53,032.00, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, the purpose of continuing the efforts of the Police Department's Victim Services Response Team.

3. The City of El Paso agrees to provide cash matching funds in the amount of \$12,362.00 and an in-kind match of \$5,315.00.

4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.

5. The Mayor be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso County Sheriff's Office; Court Appointed Special Advocates; Diocesan Migrant and Refugee Services, Inc., Battered Spouse Program; STARS; El Paso County District Attorney, Victim Assistance Program; El Paso County District Attorney, Domestic Violence Unit; El Paso County Attorney's Office, VOCA Protective Orders Program; Center Against Family Violence; Advocacy Center for the Children of El Paso; West Texas Community Supervision and Corrections Department, Victim Services Program; Rio Grande Council of Governments; and Family Service of El Paso, Crime Survivors Counseling Program.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Deputy Chief Administrative Officer for Building & Planning Services, Patricia D. Adatao, be authorized to act as the administrative representative for the City of El Paso in matters relating to the Rio Grande Trail System (also known as the Rio Grande River Park, Rio Grande River Trail, and the Rio Grande Trail System Enhancement Project), by and between the City of El Paso and the International Boundary and Water Commission, El Paso Water Improvement District #1, County of El Paso, and State of Texas by and through its Texas Department of Transportation and Texas Historic Commission. Further, that Patricia D. Adatao shall be authorized to sign any and all permit, authorization, and development applications on behalf of the City, including but not limited to those required by the City of El Paso, any of the above mentioned entities, and others each of which are necessitated by and within the scope of the original approved Texas Department of Transportation TEA-21 grant request approved by City Council by resolution dated April 24, 2001.

Representative Lozano asked for clarification.

Ms. Patricia D. Adatao, Deputy CAO, Building and Planning Services, explained aspects of the Rio Grande River Park and added that she would be signing documents on behalf of the City of El Paso.

Ms. Rosemary Staley, Planning, Research and Development, provided additional specific information regarding the planning, design and environmental aspects of the project. She answered questions from and responded to comments made by the Council Members.

Mr. Ray Gilbert, citizen, commented that signing documents should be the Mayor's responsibility.

Mr. Matt Watson, Assistant City Attorney, clarified that the responsibilities of Ms. Adauto would be administrative only.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the El Paso Independent School District to provide for (i) the joint development and use of recreational facilities at a joint park and school site to be located on approximately 1.57 acres of the Zach White Elementary School campus in El Paso, El Paso County, Texas, and (ii) the establishment of a pilot program by the Public Service Board of the City for sub-surface irrigation at such recreational facilities.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **CRISTIAN BENITEZ**, as an Undergraduate Intern for the Solid Waste Management Department at the rate of \$7.25 per hour, not to exceed 40 hours per week. The term of the contract shall be from November 19, 2003 through November 18, 2004.

.....  
**\*RESOLUTION**

**WHEREAS**, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

**WHEREAS**, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

**NOW, THEREFORE, BE IT RESOLVED:**

**THAT** the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05, Subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as:

**Block 79, Township 3, Section 15, T & P, RY Co., Abstract 2153, the East ½ of the Southwest ¼ of the Northwest ¼ of the Southwest 1/4 , (5.00 ACRE), as further described in Volume 337, Page 84, Deed Records, El Paso County, Texas. (PID#X579-000-3150-1030)**

.....  
**\*NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 16<sup>th</sup> day of December, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 234 Dolan St., in El Paso, Texas, which property is more particularly described as:

Lot: Lot 20 and the South ½ of Lot 19, Block 3, PASADENA, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 3, Page 36, Plat Records of El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Enrique Diaz and Celia Diaz Franco, 2190 Kearney Ave., San Diego, CA 92113-1203, are listed as the Owners of the real property described herein.

The Owners of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

\*Motion made, seconded and unanimously carried that the City of El Paso accept the tested and approved fire hydrants listed below, to provide adequate fire protection to existing and new areas:

	<b>Hyd. #</b>	<b>Location</b>
A.	7766	Arrow Knoll Cr., 125' $\pm$ North of Banner Crest Dr.
B.	7767	Arrow Knoll Cr., 300' $\pm$ East of Royal Jewel St.
C.	7768	Banner Crest Dr., 350' $\pm$ East of Royal Jewel St.
D.	7769	Royal Jewel St., 105' $\pm$ South of Banner Crest Dr.
E.	7797	North Loop Dr., 368' $\pm$ West of Via Maria Rd.
F.	7798	Tower Trail Ln., 326 South of Castner Dr.
G.	7815	Bell Tower Dr., 485' $\pm$ East of Bellwether Av.
H.	7816	Bellwether Av. & Bell Tower Dr., South-East corner
I.	7817	Kingdom Av., 512' $\pm$ East of Bell Tower Dr.
J.	7818	Corona Crest Av. & Oxcart Run St., North-West corner
K.	7860	Sabrina Lyn Dr. & Pete Rose Dr., North-West corner
L.	7952	Brook Ridge Cr., 220' $\pm$ South-West of Wind Ridge Dr.
M.	8089	Lomaland Dr., 435' $\pm$ North of Bengal Dr.
N.	8114	Tender Foot Ct. & Morgan Marie St., North-West corner
O.	8175	Tierra Alegre Wy. & Tierra Este Rd., South-West corner
P.	8176	Tierra alegre Wy. & Tierra Serena Rd., North-West corner
Q.	8177	Tierra Blanca Wy., 365' $\pm$ North of Tierra Serena Rd.
R.	8178	Tierra Bonita Wy. & Tierra Serena Rd., North-West corner
S.	8179	Tierra Bonita Wy. & Tierra Este Rd., South-West corner
T.	8180	Tierra De Paz Wy., 373' $\pm$ North of Tierra Serena Rd.
U.	8183	Tierra Robles Dr. & Tierra Libre Wy., North-East corner
V.	8184	Tierra De Oro Wy. & Tierra Este Rd., South-West corner
W.	8185	Tierra Serena Rd. & Tierra De Oro Wy., North-East corner
X.	8227	South Desert Bl., 1,000' $\pm$ South of Gate Ridge Dr.
Y.	8230	Dominican St. & Nehemiah Pl., North-East corner
Z.	8231	Dominican St., 187' $\pm$ East of Niehemiah Pl.
AA.	8233	Tierra Este Rd., 154' $\pm$ South-East of Tierra Negra Dr.
BB.	8234	Tierra Negra Dr., 331' $\pm$ North-East fo Tierra Este Rd.
CC.	8235	Tierra Grande Wy. & Tierra Norte Rd., South-West corner
DD.	8236	Tierra Feliz Dr. & Tierra Azul Wy., North-East corner
EE.	8238	Tierra Del Norte Rd. & Pebble Hills Bl., North-East corner
FF.	8239	Tierra Rica Wy. & Tierra Leon Wy., South-West corner
GG.	8240	Tierra Padre Ln., 325' $\pm$ North of Tierra Rica Wy.
HH.	8242	Tierra Negra Dr. & Tierra Nueva Dr., North-West corner
II.	8243	Tierra Rica Wy., 520' $\pm$ East of Tierra Norte Dr.



JJ.	8251	George Perry Bl., 5100' ± West of Global Reach
KK.	8254	George Perry Bl., 2110' ± West of Global Reach
LL.	8255	George Perry Bl., 1,110' ± West of Global Reach
MM.	8257	George Perry Bl., 769 ± East of Global Reach
NN.	8264	George Dieter Dr., 375' ± North of Zaragoza Rd.
OO.	8265	Prado Rd., 241' ± West of Border Highway (Loop 375)
PP.	8268	Seville Dr. & Sambrano Av., South-East corner
QQ.	8298	La Cuesta Dr., 558' ± North of Turner Dr.
RR.	8299	La Cuesta Dr. & Gamboa Ln., North-West corner
SS.	8314	Antelope Ct., 272' ± East of Cross Ln.
TT.	8318	Oasis Dr. & Splendor Ct., North-West corner
UU.	8321	Coffin Av. & Ochoa St., North-East corner
VV.	8322	Baltimore St. & Mississippi St., South-West corner
WW.	8323	Remcon Cr., 380' ± East of Bartlett Dr.
XX.	8327	Shadow Mountain Dr., 285' ± North of Mesa St.
YY.	8328	Park Rd. & Madeline Av., North-West corner
ZZ.	8333	Mesa Hills Dr., 476' ± West of Cromo St.

.....  
 \*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Rio West Business Park  
 Owner/Developer: Henry Taylor Investment  
 Consultant: Kistenmacher Engineering Company, Inc.

Street Improvements:

Rio West Road - from Station 4 + 29.43 to the northeast subdivision boundary line

Drainage Improvements:

Surface Drainage

.....  
 \*Motion made, seconded and unanimously carried that Nathalie M. Prise be appointed Community and Human Development Director (provisional), effective November 18, 2003 at an annual salary of \$75,848.26.

.....  
 \*Motion made, seconded and unanimously carried to postpone one (1) week the appointment of R. Alan Shubert as Building Permits and Inspections Director, effective November 24, 2003.

.....  
 \*Motion made, seconded and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Community and Human Development Director (1)

.....  
 Motion made, seconded and unanimously carried to move to the regular agenda the following:

Motion made by Representative Escobar, seconded by Representative Austin and carried to approve the Staffing Table Change for Mayor & Council

Delete	1.00	Secretary III	GS19
Add	1.00	Administrative Assistant	GS23
Delete	1.00	Secretary I	GS13
Add	1.00	Secretary III	GS19

AYES: Representatives Austin, Cook, Power, Escobar and Rojas  
 NAYS: Representatives Cushing, Lozano and Cobos

Representative Cushing commented on the recent changes regarding the Representatives' staff and asked questions of City staff.

Ms. Terry A. Bond, Director of Human Resources, responded that the Civil Service Commission had approved the Staffing Table Changes at a meeting in October.

Mr. David Almonte, Director of OMB, provided financial information.

.....  
 \*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Airport

Add	1.00	Traffic Signs & Markings Worker II	GS16
Delete	1.00	Airport Maintenance Lead Worker	GS15
Add	1.00	Equipment Operator II	GS15

.....  
 \*Motion made, seconded and unanimously carried to re-appoint Ernie Domenech to the Fire Medical Services Policy Board by Representative Paul J. Escobar, District 6.

.....  
 \*Motion made, seconded and unanimously carried to appoint Homero Galicia to the Information Technology Advisory Board by Representative Paul J. Escobar, District 6.

.....  
 \*Motion made, seconded and unanimously carried to approve installation of guardrail post at the following location:

7671 Franklin Rd. Cost is \$490.14

.....  
 \*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #E390-999-0020-4900, \$214.14 per month installments on a balance of \$3,212.10 for 1999 & 2000 taxes; Gloria E. Ayala - 221 Whittier Dr.
- B. PID #L035-999-0000-2300, \$166.99 per month installments on a balance of \$2,003.88 for 2001 & 2002 taxes; David & Ngan-Sin Chiu – 333 Eubanks Ct. #11.
- C. PID #N579-999-0020-0100, \$473.76 per month installments on a balance of \$5,685.12 for 2002 taxes. C & W Manhattan Associated LTD – 9496 – 9498 Dyer.
- D. PID #R221-999-0370-0100, \$139.55 per month installments on a balance of \$5,023.80 for 1999, 2000, 2001 & 2002 taxes. Gloria Mendoza – 7427 Kingman Dr.
- E. PID #R577-999-0070-1100, \$394.51 per month installments on a balance of \$4,734.12 for 2002 taxes; Roel Hernandez – 654 Vera.
- F. PID #V895-999-0010-0900, \$161.05 per month installments on a balance of \$2,898.90 for 2002 taxes; Guadalupe Acosta – 4968 Vista Grande.

- G. PID #W068-999-0010-0300, \$297.47 per month installments on a balance of \$3,569.64 for 1999 & 2000 taxes; Jacinto & Grace Limas – 8043 Algerita.
- H. PID #W145-999-0800-3300, \$200.13 per month installments on a balance of \$2,401.56 for 2002 taxes; Omar T. & Sandra I. Balderrama – 1608 Plaza Central.
- I. PID #'s X298-000-0000-0230 & X298-000-0000-0235, \$1,787.27 per month installments on a balance of \$10,723.62 for 2001 & 2002 taxes; THC Transportation, Inc. - 12460 Gateway.
- J. PID #1997-999-1987-0042, \$331.14 per month installments on a balance of \$3,642.54 for 2000, 2001 & 2002 taxes; Forever Panda's Daycare % Christina Sanchez – 10761 Pebble Hills.
- K. PID #2001-999-1931-0042, \$456.03 per month installments on a balance of \$2,736.18 for 2002 taxes; Star Pavers Construction, Inc. % Arturo Ramirez – 11450 James Watt.

.....  
 \*Motion made, seconded and unanimously carried to award Bid No. 2003-185 EPIA Terminal Roof Replacement

Contractor: SamCorp General Contractors  
 El Paso, Texas  
 Department: Aviation  
 Funds available: 62620028-41048-PAP0013-508027  
 Funding source: Airport Terminal Capital  
 Item (s): Base Bid I \$1,724,000.00  
 Alternate No. 1 \$ 20,000.00  
 Total Award: \$1,744,000.00

#### RECOMMENDATION:

The Departments of Purchasing, Engineering and Aviation recommend the award of Base Bid I and Alternate No. I to SamCorp General Contractors, the third low responsible, responsive bidder. Scholten Roofing Service Company and Centimark Corporation have both been deemed non-responsive. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....  
 \*Motion made, seconded and unanimously carried to award Bid No. 2003-233 Fire Stations No. 4 and No. 17 Improvements

Contractor: EPCON, Inc.  
 El Paso, TX  
 Department: Fire  
 Funds Available: 71150069-G7128CD0073-7731-508027  
 Funding Source: Community Development Grant 28<sup>th</sup> YR  
 Items: Base Bid I (Station #4) \$13,660.00

Total Award: Alternate No. IA (Station #4) \$ 4,200.00  
\$17,860.00

RECOMMENDATION:

The Departments of Purchasing, Engineering, and Fire recommend the award of Base Bid I and Alternate No. IA of this contract to EPCON, Inc. the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2003-233 Fire Stations No. 4 and No. 17 Improvements

Contractor: Silverton Construction Co. Inc.  
El Paso, TX

Department: Fire

Funds Available: 71150069-G7128CD0053-7711-508027

Funding Source: Community Development Grant 28<sup>th</sup> YR

Items: Base Bid II (Station #17) \$27,331.00  
Alternate No. II A (Station #17) \$ 9,819.00

Total Award: \$37,150.00

RECOMMENDATION:

The Departments of Purchasing, Engineering, and Fire recommend the award of Base Bid II and Alternate No. II A of this contract to Silverton Construction Co. Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2004-005 Byron, Russell, Stevens and Lackland Parkway Improvements

Contractor: Danny Sanders Construction Inc.  
El Paso, Texas

Department: Community Development

Funds available: 71150069/G7128CD0011/12/13/14/7750/7751/  
7752/7753/508027

Funding source: Community Development Grant

Item (s):	Base Bid I	\$ 47,387.70
	Base Bid II	\$ 66,827.05
	Base Bid III	\$ 52,161.50
	Base Bid IV	\$ 55,710.30
	Alternate I	\$ 31,206.10
Total Award:		\$253,292.65
District (s):		2

#### RECOMMENDATION:

The Departments of Engineering, Purchasing and Community Development recommend the award of this contract to Danny Sanders Construction Inc. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2004-067 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$28,000 within Emergency Rehab project to fund Arts Festival Plaza Lights and emergency sewer line work at Lincoln Center. Funding source is previous CO sale.

Increase	\$28,000	to	31114001/P50131727043/508027	Construction
Increase	\$28,000	to	31114001/P50131727043/407001	Intrafd Trf

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2004-079 COMMUNITY AND HUMAN DEVELOPMENT

To increase the budget for Public Service (PSB) portion of the construction of Nichols Road Street and Drainage Improvement a 28<sup>th</sup> (2002-2003) Community Development project.

Increase	\$15,201.24	to	71150065/G7128PS00237737/508027	Contingencies
Increase	\$15,201.24	to	71150065/G7128PS00237737/406002	Local Grt Proc

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2004-087 LIBRARY

The Library requests a budget transfer under the E-rate fund budget. This budget transfer will allocate the funds received this fiscal year through E-rate reimbursements.

Increase	\$42,234.99	to	53153054/G53041107025/406001	StateGrntProc
Increase	\$42,234.99	to	53153054/G53041107025/508010	Data Proc Eq

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2004-093 COMMUNITY AND HUMAN DEVELOPMENT

These transfers will balance Fire Station 4 and Fire Station 17 project accounts to fund base and alternate bids, plus provide a five (5) percent contingency fund for both Fire Station's improvements project budgets. Both are 28<sup>th</sup> (2001-2002) Community Development projects.

Decrease	\$5,398	from	71150069/G7128CD00737731/508027	Construction
Increase	\$5,398	to	71150069/G7128CD00537711/508027	Construction
Decrease	\$7,109	from	71150069/G7129CD00017747/508027	Construction
Increase	\$7,109	to	71150069/G7128CD00537711/508027	Construction

\*Motion made, seconded and unanimously carried to approve budget transfer BT2004-094 MUSEUM (ART)

To appropriate funds for the purchase of works of art for the El Paso Museum of Art in accordance with the agreement with the Lipscomb Foundation.

Increase	\$23,801.19	to	54500024/50103/407002	Est Revenue
Increase	\$23,801.19	to	54500024/50103/508011	CulturalWorks

\*Motion made, seconded and unanimously carried to approve budget transfer BT2004-097 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$100,000 for additional work at Schuster Slope. The work is due to unforeseen conditions. Funding source is Flood Control fund balances.

Increase	\$100,000	to	31110103/PPW010026014/508027	Construction
Increase	\$100,000	to	31110103/PPW010026014/407020	Bond Proc8

\*Motion made, seconded and unanimously carried to approve the request of Our Lady of Guadalupe Church to hold a peregrinacion-walk on December 6, 2003 from 4:00 a.m. to 6:00 a.m. Route: Start at St. Anthony's Seminary on Hastings, proceed on Hastings to Marr, turn right on Marr to Altura, turn left on Altura, proceed on Altura to Alabama, turn right on Alabama to Nashville, turn left on Nashville, and finish at Our Lady of Guadalupe Church-2709 Alabama. Approximately 250 persons will take part. PERMIT NO. 03-179 [Eva Aguilar]

\*Motion made, seconded and unanimously carried to approve the request of Reverence for Life/Catholic Diocese of El Paso to hold a gathering/prayer and procession on January 18, 2004 from 1:00 p.m. to 2:30 p.m. Route: Gather at Houston Park and start procession at Yandell and St. Vrain to Stanton, turn right on Stanton to Arizona, and finish at St. Patrick Cathedral Church. Approximately 800 persons will take part. This request includes permission to use amplification (4 speakers, 8 microphones, and 1 amplifier). PERMIT NO. 03-178 [Liz Verdin]

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance vacating a portion of Concepcion Avenue adjacent to Tract 25B, Elijah Bennett Survey No. 11, City of El Paso, El Paso County, Texas.
- B. An Ordinance authorizing the City of El Paso to enter into a Joint Use Agreement with Wal-Mart Store East, Inc. for the purpose of granting each party certain easement rights and to undertake certain obligations in connection with a portion of Lot 5, Block 11, Vista Del Sol Unit 2, City of El Paso, El Paso County, Texas and a portion of Tract 3, Block 1, Ascarate Grant, City of El Paso, El Paso County Texas.

- C. An Ordinance providing for the issuance of City of El Paso, Texas, Water and Sewer Revenue Bonds, Series 2003B, in the aggregate principal amount of \$10,000,000, for the purpose of improving and extending the City's water and sewer system and paying the costs related to the issuance of the bonds, and enacting provisions incident and related thereto.

**PUBLIC HEARING WILL BE HELD ON DECEMBER 2, 2003 FOR ITEMS A – C**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Representative Power was not present for the vote.

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- D. An Ordinance granting a Non-Exclusive Franchise to Bench Ads Of El Paso, Inc. to place benches at bus stops on City Rights Of Way Pursuant to Title 13 (Streets, Sidewalks And Public Places), Chapter 13.20 (Miscellaneous Street And Sidewalk Use Regulations), Section 13.20.110 (Bus Bench Franchises) of the El Paso Municipal Code. The penalties being as provided in Sections 1.08 and 13.20.110 of the El Paso Municipal Code.

**PUBLIC HEARING WILL BE HELD ON DECEMBER 2, 2003**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Ms. Theresa Caballero, citizen, requested that the Ordinance be postponed one week to allow for a Legislative Review Committee meeting to address the concerns of other bus bench companies.

Representatives Cobos, Lozano, Cook and Lozano commented.

Mr. Raymond Telles, Assistant City Attorney, explained that the enforcement of bus benches was now the responsibility of the Building Permits and Inspections Department.

Ms. Lisa Turner, citizen, questioned why there were no provisions for a lottery of the bus benches and asked that the Council Members support all local companies.

Mr. Joe Oliva, Southwest Bench Ads, commented on the condition of bus benches and responded to comments made by the Council Members.

.....  
Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve the request for the Director of Purchasing to reject the bids for Solicitation No. 2003-198, "Inspection, Testing & Maintenance of Installed Fire Extinguishing & Automatic Alarm Systems" for the Department of Aviation. All bids are being rejected for non-responsiveness or exceeding the available funding.

Department: Department of Aviation

Mr. Byron Johnson, Director of Purchasing, provided explanation.

.....  
Motion made by Representative Austin, seconded by Representative Power and unanimously carried to approve the recommendation by the Bond Advisory Committee to approve the Program Manager's plans dated November 4, 2003, as submitted in compliance with the Planning and Project Management Services Agreement - Exhibit B: Schedule for Performance of Services.

Mr. Ray Gilbert, citizen, commented on the 2000 Quality of Life Bond election and requested that the language on the ballot be specific.

.....  
Motion made by Representative Cook, seconded by Representative Austin and unanimously carried to approve the recommendation by the Bond Advisory Committee to move the following projects from the indicated priority year to program year 3 (current year):

No.	Name	Budget	District	Orig. Yr
1.	J.P. Shawver	\$697,000	7	4
2.	Modesto Gomez	\$290,000	8	4
3.	Judge Galatzan	\$800,000	8	4
4.	H.T. Ponsford	\$175,000	8	5
5.	Thomas Manor	\$485,000	7	5
6.	Pebble Hills	\$322,000	5	5
7.	Cielo Vista	\$274,000	3	5
8.	Dick Shinaut	\$400,000	5	5
9.	Palo Verde	\$ 66,000	1	6
10.	Washington	\$197,500	3	7
11.	Colonia Verde	\$118,000	4	7
12.	Dolphin	\$164,000	4	7
13.	Franklin	\$197,000	4	7
14.	Milagro	\$147,000	4	8
15.	Skyline Youth	\$233,000	4	8
16.	Pico Norte	\$265,000	5	8

This recommendation meets the guidelines established by Council Resolution of June 17, 2003 as follows:

Step A - That the change in priorities has no negative impact on the finances within the program year and the overall bond program; and

Step B - Sub item (ii): That there is a significant cost savings.

.....  
Motion made by Representative Cobos, seconded by Representative Power and carried to approve the recommendation by the Bond Advisory Committee that the guidelines for considering changes in priorities for the quality of life projects adopted by City Council resolution on the 17<sup>th</sup> of June 2003 be rescinded and that Council permit BOAC to utilize the Program Manager's recommendations to consolidate project priorities based on the Program Manager's management plans to complete the projects, by May 2007, in compliance with the 44 month Program implementation time frame, in reviewing changes in priorities.

AYES: Representatives Austin, Lozano, Power, Escobar and Cobos

NAYS: Representatives Cushing, Cook and Rojas

Representative Cook requested that the word "rescind" be replaced with "amend" and that the word "and" (between Step A and Step B) be replaced with the word "or".



Representative Cobos commented that all changes regarding the Quality of Life projects must be brought before the Council for discussion and approval.

Ms. Patricia D. Adauto, Deputy CAO, Building and Planning Services, commented.

It was determined that no changes would be made.

.....  
Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried to approve Conditional "B" building permits for Hillpoint Estates under the finding of Economic Hardship.

Mr. Gonzalo Cedillos, City Engineer, explained the rationale regarding the "Conditional B" building permits.

Ms. Cindy Crosby, attorney for applicant, commented.

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action on changing Section 9 of the Rules of Order for City Council Meetings to provide that on matters not otherwise covered by the Council Rules, Roberts Rules of Order, Revised shall control parliamentary procedure in City Council meetings.

.....  
Motion made by Representative Escobar, seconded by Representative Austin and carried to appoint Alex A. Melendez to the unexpired term of the Municipal Judge for Municipal Court No. Two, in accordance with Ordinance No. 012403-An Ordinance Establishing a Procedure for the Appointment of Municipal Court Judges.

AYES: Representatives Austin, Cook, Power and Escobar  
NAYS: Representatives Cushing, Lozano, Rojas, Cobos and Mayor Wardy

Mayor Wardy voted NAY to break the tie.  
Motion failed.

Motion made by Representative Escobar, seconded by Representative Austin and unanimously carried to appoint Max Daniel Muñoz to the unexpired term of the Municipal Judge for Municipal Court No. Two, in accordance with Ordinance No. 012403-An Ordinance Establishing a Procedure for the Appointment of Municipal Court Judges.

Representative Escobar provided information regarding the nominees.

Representative Cobos requested the appointment of Max Daniel Muñoz to the Municipal Judge for Municipal Court No. Two.

Judge Regina Arditti, Presiding Judge of the Municipal Court, explained the rationale for selecting the four individuals from the 19 applicants and commented on the requirements and responsibilities of the position.

.....  
Motion made by Representative Escobar, seconded by Representative Austin and carried to appoint David A. Bonilla to the unexpired term of the Municipal Judge for Municipal Court No. Three, in accordance with Ordinance No. 012403-An Ordinance Establishing a Procedure for the Appointment of Municipal Court Judges.

AYES: Representatives Austin, Cushing, Cook, Power, Escobar, Rojas and Cobos  
NAYS: Representative Lozano

Representative Escobar provided information regarding the nominees.



Mr. Said Larbi-Cherif, Interim Director of Building Permits and Inspections, explained that the Ordinance provided for the adoption of the International Existing Building Code book and added that the BZAC Subcommittee "A" and the CPC (City Plan Commission) recommended in favor of the adoption.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Austin, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15604 though 15607 were considered together.

.....  
ORDINANCE 15605

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION) OF THE EL PASO MUNICIPAL CODE, BY AMENDING CHAPTER 18.08 (BUILDING CODE) SECTION 18.08.020 (ADOPTION) TO MODIFY THE REQUIREMENTS FOR COMPLIANCE WITH THE TECHNICAL CODES RELATED TO THE REPAIR, ALTERATION, RENOVATION OR REHABILITATION OF EXISTING BUILDINGS. THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 OF THE CODE.**

See discussion on Ordinance 15604.

Motion duly made by Representative Cushing, seconded by Representative Austin, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15604 though 15607 were considered together.

.....  
ORDINANCE 15606

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION) OF THE EL PASO MUNICIPAL CODE, BY AMENDING CHAPTER 18.10 (RESIDENTIAL CODE) SECTION 18.10.030 (ADMINISTRATION - AMENDED) TO MODIFY THE REQUIREMENTS FOR COMPLIANCE WITH THE TECHNICAL CODES RELATED TO THE REPAIR, ALTERATION, RENOVATION OR REHABILITATION OF EXISTING RESIDENTIAL BUILDINGS. THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 OF THE CODE.**

See discussion on Ordinance 15604.

Motion duly made by Representative Cushing, seconded by Representative Austin, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15604 though 15607 were considered together.

.....  
ORDINANCE 15607

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION) OF THE EL PASO MUNICIPAL CODE, BY CREATING CHAPTER 18.28 (EXISTING BUILDING CODE), AND ADOPTING THE 2003 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE TO MODIFY THE REQUIREMENTS FOR COMPLIANCE WITH THE TECHNICAL CODES RELATED TO THE REPAIR, ALTERATION, RENOVATION OR REHABILITATION OF EXISTING BUILDINGS. THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 OF THE CODE.**

See discussion on Ordinance 15604.

Motion duly made by Representative Cushing, seconded by Representative Austin, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15604 though 15607 were considered together.

.....  
ORDINANCE 15608

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 4, BLOCK 4, CASTNER RANGE SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS (JOEL DRIVE SOUTH OF DIANA DRIVE) FROM A-O (APARTMENT/OFFICE) TO R-3A (RESIDENTIAL). THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Ms. Lisa Turner, citizen, commented on the difficulties from the number of new subdivisions built in the City.

Mr. Rudy Valdez, Chief Urban Planner, explained the zoning change request.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

\*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance vacating a portion of a sixteen foot wide alley within Block 91, Alexander Addition, City of El Paso, El Paso County, Texas.

ORDINANCE 15609

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: LOTS 6-15 AND A 16 FOOT VACATED ALLEY BETWEEN LOTS 6-15, BLOCK 91, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS (1811 N. MESA STREET AND 1812 N. OREGON STREET) FROM A-O/C (APARTMENT-OFFICE/CONDITIONS) AND A-O/C/SP (APARTMENT-OFFICE/CONDITIONS/SPECIAL PERMIT) TO S-D (SPECIAL DEVELOPMENT); AND PARCEL 2: LOT 10 & A PORTION OF LOT 9, BLOCK 77, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS (120 W. RIM ROAD) FROM A-O (APARTMENT-OFFICE) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

\*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance amending Title 20 (Zoning) Chapter 20.02 (General Provisions and Definitions), Article II, Definitions, to add Section 20.02.513, (Mobile Service Units); to amend Chapter 20.08 (General Design and Use Regulations) of the El Paso Municipal Code to add 20.08.207 (Regulation of Mobile Service Units); and to amend Section 20.64 (Off-Street Parking and Loading Requirements) Section 20.64.110 (Use Restrictions). The penalty is as provided in 20.68 of the El Paso Municipal Code. Applicant/Representative: City of El Paso/Planning, Research & Development, #2 Civic Center Plaza, El Paso, TX 79901.

ORDINANCE 15610

The City Clerk read an Ordinance entitled: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, CALLING A SPECIAL ELECTION FOR THE SUBMISSION OF CHARTER AMENDMENTS TO BE HELD WITHIN THE CITY, ON FEBRUARY 7, 2004; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE.**

Representative Cook moved to approve. Representative Power seconded.

Representative Austin requested the following language revision to the Ordinance:

Amendment 1, Section 2.1, City Elections:

“Commencing in June, 2005, **“any” person’s**” elected as Representatives who have held office for six consecutive years shall serve a two-year term.” She noted that she had prepared a written statement, (see the following) summarizing information and comments given to the Council Members, Monday, November 17, 2003.

Representative Austin instructed City Clerk Richarda Momsen to include the following statement in the Minutes:

Statement on Charter Amendments by Rep. Susan Austin

Citizen involvement

All of the issues on the proposed February 2004 Ballot arose out of previous Charter Commissions. The most recent Charter Commission was convened in May 2000 by Mayor Ramirez and had 19 prominent and very involved members of the public:

Chair George Finger	Vice Chair Jaime Esparza
Jesus Reyes	Roberto Valdiziez
Victor M. Firth	Carl H. Green
Martie Jobe	Joe Pickett
Stan Roberts	Ken Gezelius
Jaime Rubinstein	Hector L. Gasquet
Ray Pearson	Leon Feuerstein
Jaime O. Perez	Edward Saab
Leonard A. Goodman, III	Ruth Mojica-Hammer
Ted Houghton	

These citizens looked at term increases, salary increases, and the change to a Council-Manager form of government. They met with a panel of former Mayors, held town-hall meetings, and discussed their recommendations with Council.

City Manager

The 2000 Charter Commission had mixed views on changing to a City Manager, but perceived that the general public favored the change. Because Mayor Ramirez and the majority of Council members did not favor the change, however, the Charter Commission decided not to further pursue the issue, but to concentrate instead on the remaining issues. An earlier Charter Commission from the 1980s recommended the change to a City Manager, but Council disagreed. Today we have a Mayor and a majority of Council who support such a change and are willing to put it before the voters.

By adopting a Council-Manager form of government, El Paso will be following the lead of the vast majority of cities in Texas and in the US wanting to make the operation of city government more business-like and efficient. The change to a City Manager form by Phoenix in 1913 and Albuquerque in 1917 was specifically noted as a move leading to progress in a book entitled, “The Urban Southwest: A Profile History of Albuquerque, El Paso, Phoenix, Tucson.” Tucson has also adopted the City Manager form. In a recent ranking of large cities by overall performance of city government, Phoenix and Austin, both with City Managers, were recently ranked #1 and #2 respectively.

An important component in the Council-Manager form is that the City Manager has the authority and responsibility to implement the policies that Council adopts. Council members are prohibited from directing staff without going through the City Manager. This prohibition is necessary not only to keep the City Manager accountable for staff performance, but also to give Council the benefit of the expertise of the City

Manager in managing City staff and City affairs. Council can work with the City Manager to craft the policies and the procedures that will govern the interaction between the City Manager, staff, and Representatives so that constituents will continue to receive proper attention to problems. It won't be an easy change at first for Council, for staff, or for the public, but if we are careful in hiring the right person as City Manager, then allow the system to work, we should begin soon to see positive results.

#### Salary Increases

The 2000 Charter Commission actually recommended larger increases. Council pared that back to \$55,000 for the Mayor and \$35,000 for the Representatives. While this issue did not win voter approval, it did receive the support of some 47% of the voters in the January 2001 election.

This year in the town hall meetings we held around the city recently, there was little opposition voiced to a salary increase. Most voters understand that while the salary increase may or may not raise the caliber of candidates, more people will find it financially feasible to run for public office or to stay in public office. I believe with a Mayor and eight capable representatives all able financially to spend the time necessary for the job, the benefits will far exceed the expenditure.

Ms. Elaine Hengen, Assistant City Attorney, clarified for the record - information regarding the draft Ordinance and requested an additional revision. She explained the revision as follows: moving the provision relating to "Eligibility for Election to Office" from "Proposition Two" to "Proposition One" and read the following into the record:

Amending Section 2.2 of the Charter on Qualifications for Office to add subsection 5 to read as follows:

"Candidates for Mayor and Representatives shall be eligible for that elective office only when holding that office for a term of four years shall not result in the candidate exceeding the term limitation established in Section 2.2 C."

Ms. Hengen recommended that under the heading "Amendment No. 1 – Text of Amendment - Amending Article II of the City Charter, Nominations and Elections and adding "Section 2.2 Nominations" under the text Amendment and recommended revising the Ballot Proposition to read as follows:

#### "Ballot Proposition 1"

Shall Article II of the City Charter be amended to provide that, only those persons who can serve a term of four years without exceeding the term limitation are eligible to run for such office and commencing in June 2005, the Mayor shall serve for a term of four years and that commencing in June 2005, the four district Representatives identified by the drawing of lots shall serve for a term of four years and the remaining four District Representatives, including those who may have held such office for six consecutive years shall serve for a term of two years with successors thereafter serving for a term of four years" . . .

Ms. Hengen commented on the seven early voting locations, Exhibit "B" of the Ordinance, and that Ms. Helen Jamison, Elections Administrator, had recommended those locations.

Representative Cobos asked Ms. Hengen how the change would affect the lifetime term limitation and is Council considering the ten-year or eight year lifetime term.

Ms. Hengen explained that the proposal was to change the term limitation to 10 years lifetime. She then explained her recommendation for removing the provision regarding eligibility for office from Proposition 2 to Proposition 1. She answered questions from and responded to comments made by Representative Cobos.

Representative Austin asked Ms. Hengen questions pertaining to the language for Ballot Proposition 2.

Ms. Hengen responded that the language would be limited to an amendment to Section 2.2 C, Limitation and read into the record the following: "Only shall Section 2.2 of the City Charter be amended to provide that no Mayor or Representative may hold such office for more than a total of ten years throughout their lifetime." She explained that the language had been revised and posted and added that Council Members would need to consider both amendments today. She answered questions from and responded to comments made by Representative Austin.

Ms. Richarda Duffy Momsen, City Clerk, asked for clarification regarding who made the motion to approve the Ordinance.

Representative Cushing responded that Representative Cook moved to approve, he seconded, Representative Austin made an amendment and Ms. Hengen had made two amendments.

Ms. Momsen questioned who had seconded Ms. Austin's motion.

Representative Cushing responded that it was he; however, Representative Cook had not yet amended his motion.

Representative Cook then amended his motion to approve.

Ms. Momsen clarified the motion to approve as: Representative Cook moved to approve the Ordinance, seconded by Representative Cushing to approve the Ordinance with the following amendments:

Representative Austin's amendment was seconded by Representative Cushing and accepted by Representative Cook.

Representative Cook asked that the amendments by Ms. Hengen be included in his motion and accepted those amendments made by Ms. Hengen.

Representative Cushing questioned the exact amendment language.

Ms. Hengen explained that the amendments were to Propositions 1 and 2.

Mr. Stan Roberts, identified himself as the Northeast City Representative for eight years and Alternate Mayor Pro Tem for four years, commented against passage of the Ordinance in its current form.

Ms. Lisa Turner, citizen, commented against passage of the Ordinance in its current form.

Mr. Mike Pritchard, representing the Firemen and Policemen Pension Fund, spoke on Amendment No. 6.

Representative Austin responded to Mr. Roberts' comment regarding the lack of public input.

Ms. Richarda Duffy Momsen, City Clerk, explained that: Representative Cook moved to approve, Representative Cushing seconded; Representative Austin offered her amendment, Representative Cushing seconded and accepted by Representative Cook; revised language made by Assistant City Attorney, Elaine Hengen, was accepted by Representative Cook.

Representative Cobos questioned what would occur if Section 2.1 B failed, however, the ten-year lifetime term passed.

Mayor Joe Wardy stated that Council Members had all agreed to the ten-year lifetime terms.

Representative Austin clarified that the Representatives would be voting on the merits on the item as all the amendments had been accepted.



Mayor Wardy concurred that the vote would be to accept the language for the Charter election.

AYES: Representatives Austin, Cushing, Cook, Power, and Escobar

NAYES: Representatives Lozano, Rojas and Cobos

Motion passed 5-3.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Power and Escobar

NAYS: Council Members Lozano, Rojas and Cobos                      Absent:                      None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinance was revised.

.....  
ORDINANCE 15611

The City Clerk read an Ordinance entitled: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, CALLING A BOND ELECTION TO BE HELD WITHIN THE CITY, ON FEBRUARY 7, 2004; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE, AND PROVIDING AN EFFECTIVE DATE.**

Ms. Patricia Adauto, Deputy CAO for Building and Planning Services, requested that the Resolution approving the listing of public improvement projects in the Fire, Flood Control, Health, Municipal Facilities, Libraries, Parks, and Street & Drainage Improvements Capital Programs to be funded by the \$115 Million Bond Proposal Issue to be presented to the citizens for approval on February 7, 2004 be considered with Ordinance of the City Council of the City of El Paso, Texas, calling a Bond Election to be held within the City, on February 7, 2004; making provisions for the conduct of the election and other provisions incident and related to the purpose of this Ordinance, and providing an effective date. She explained that a bond election would be held February 7, 2004 and provided the following financial information: \$93 million for Capital Projects, \$20 million for Capital Acquisition Projects and \$2 million for 2% for Public Arts. She modified the resolution language to read "General Obligation Bonds" rather than "Certificates of Obligation" and added that the 2% for the public art applied to both Certificates of Obligation and General Obligation Bonds. She identified the latest revisions to the Resolution as requested by the City Council Members.

Council Members commented and asked questions of each other, of outside bond counsel, Norman Gordon, and of City staff, Deputy CAO Pat Adauto, Deputy CAO William Chapman, Deputy Director of Engineering Gonzalo Cedillos, and City Attorney Lisa Elizondo.

Representative Cook moved to approve the resolution and ordinance as revised. Representative Escobar seconded.

Ms. Momsen reiterated the motion as follows:

To approve the Bond election on February 7, 2004 and the Capital Improvement Projects in the Bond proposal - Representative Rojas revised Proposition 3 to include Median Openings and Median Modification

Mr. Chapman revised the dollar amounts in each proposition to include bond issuance costs and to accommodate bonds sold in \$5,000 increments.

Representative Power moved to make the proposals part of the Bond Order.

Ms. Lisa A. Elizondo, City Attorney, explained that the Department of Justice requires submission of documents be made 60 days in advance of the election.

Representative Cobos explained that this City government was transitioning from Certificates of Obligation to General Obligations and that voters would overwhelmingly support this. He moved to approve the item as written today.

Mr. Gordon asked Council if it was the Council's desire to include the language in Attachment B to the Bond Order. The answer was affirmative.

Ms. Adauto questioned whether the project description would be included along with the project name and budget. The answer was affirmative.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cook, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

NAYS: None Absent: None

**NOTE: Ordinance was revised**

REGULAR COUNCIL MEETING – NOVEMBER 18, 2003

Improvements Capital Programs to be funded by the \$115 Million Bond Proposal Issue to be presented to the citizens for approval on February 7, 2004.

.....  
\*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 2927 Mountain Ave., El Paso, Texas 79903, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated August 6, 2003. The owners of this property, Hector Correa, Bertha Correa, Arturo Correa (deceased), Alphonso Correa, Manuel Correa (deceased), Hector & Bertha Correa, 3116 Aurora Ave., El Paso, Texas 79930, and Alphonso Correa, 5101 Bragg Ave., El Paso, Texas 79904, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

.....  
\*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 5833 Porpoise Dr., El Paso, Texas 79924, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated Aug. 28<sup>th</sup>, 2002. The owner of this property, Mario Ramirez and Nancy Ramirez, 5833 Porpoise Dr., El Paso, Texas 79924, have been notified of the violations at this property. Delinquent taxes in the amount of \$4,119.67.

.....  
**ADDITION TO THE AGENDA**

Motion made, seconded and unanimously carried to move to the regular agenda the Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JORGE ROBERTO CAMP LEWIS**, to assist the Economic Development Department as a International Business Specialist at a biweekly rate of \$1,615.38 for 40 hours per week. The term of the contract shall be for the period of December 1, 2003 through November 30, 2004.

Representative Cobos questioned Mr. Larry Romero, Economic Development Director, and Mayor Joe Wardy.

Representative Cobos moved to deny. Representative Cook seconded.

Representative Cushing requested that the item be postponed. There was no second.

Representatives Austin and Rojas commented.

Motion made by Representative Cobos, seconded by Representative Cook and carried to deny the approval of a Resolution authorizing the Mayor to sign a Contract between the **CITY OF EL PASO** and **JORGE ROBERTO CAMP LEWIS**, to assist the Economic Development Department as a International Business Specialist at a biweekly rate of \$1,615.38 for 40 hours per week. The term of the contract shall be for the period of December 1, 2003 through November 30, 2004.

AYES: Representative Austin, Cushing, Cook, Power, Rojas and Cobos  
NAYS: Representatives Lozano and Escobar

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an **Agreement for Architectural Services** by and between the City of El Paso and Guillermo Barajas Inc., d/b/a IDEA, for a project known as **“Eastside Regional Library”**, in an amount not to exceed THREE HUNDRED FORTY TWO THOUSAND NINE HUNDRED FORTY TWO and 00/100 DOLLARS (\$342,942.00). This is a Quality of Life Bond Project.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**WHEREAS**, the City of El Paso is a taxing entity in the El Paso Central Appraisal District, and

**WHEREAS**, the City of El Paso as a taxing entity is entitled to appoint two members of the El Paso Central Appraisal District Board; and

**WHEREAS**, the City Council desires to appoint two directors to the Board of Directors;

**NOW THEREFORE**, be it resolved by the City Council of the City of El Paso:

That Representative Robert A. Cushing, Jr. and Representative Vivian Rojas are appointed to the Board of Directors of the El Paso Central Appraisal District Board for a term commencing January 1, 2004 through December 31, 2005.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the above Resolution.

.....  
**\*RESOLUTION**

The State of Texas}  
County of El Paso }

**KNOW ALL MEN BY THESE PRESENTS**

**WHEREAS**, El Paso Community Mental Health and Mental Retardation Center (EPCMHMRC) performs valuable services for persons with mental illness in El Paso Community; and

**WHEREAS**, to the extent that EPCMHMRC performs such services efficiently, mental health consumers realize increased clinical value and the City of El Paso realizes net savings by avoiding the necessity of providing such persons more expensive, tax-funded interventions such as police deployments and jail detention, emergency room treatment and emergency commitment and long-term confinement; and

**WHEREAS**, the State Legislature during its 78<sup>th</sup> regular session provided an opportunity to develop a proactive community blueprint for the delivery of MHMR services through a legislative rider, (Rider 60), which permits flexibility in developing local performance based agreements for service; and

**WHEREAS**, EPCMHMRC and the City of El Paso recognize the desire and/or need to implement accounting systems, within each governmental agency involved in the delivery of services to persons with mental illness, to determine the amount of savings realized by the City as a result of EPCMHMR's efficient delivery of value added services to persons with mental illness.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of El Paso recognizes and supports the need for each local governmental agency involved in the delivery of health, mental health, and protective services in the El Paso community to support the establishment of performance measures that are community driven, customer focused and provide for the potential community reinvestment of any savings realized as a result of the efficient delivery of services by EPCMHMRC.  
.....

\*Motion made, seconded and unanimously carried that George Gustavo Sarmiento be appointed Planning, Research and Development Director, effective December 1, 2003 at an annual salary of \$88,000 and relocation expenses not to exceed \$3,000. The City will cover moving expenses based upon the lower of three estimates; in addition the City will cover items that may be shipped via common carrier at established rates.

\*Motion made, seconded and unanimously carried to approve the request of Cathedral High School to hold a parade on November 25, 2003 from 10:30 a.m. to 11:00 a.m. Route: Start at 201 E. Kerbey to Stanton, turn right on Stanton and finish at Cathedral High School parking lot-1301 N. Stanton. Approximately 50 persons, 15 vehicles will take part and 300-400 spectators are anticipated. PERMIT NO. 03-181  
[Mel Carreon/Patricia Vega]

\*Motion made, seconded and unanimously carried to approve the request of Glen Cove Elementary to hold a 25<sup>th</sup> Anniversary parade on November 21, 2003 from 9:30 a.m. to 10:15 a.m. Route: Start at Glen Cove Elementary parking lot to Bert Yancey, turn left on Sam Snead to Dan Sikes, turn left on Dan Sikes to East Glen, turn left on East Glen to Bert Yancey, turn left on Bert Yancey and finish at the school's parking lot. Approximately 1,200 persons, 6 vehicles will take part and 400 spectators are anticipated. This request includes permission to use amplification (one portable boom box for music). PERMIT NO. 03-180  
[Robert Aguilar]

Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:58 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. City Attorney's settlement authority of the City's workers' compensation subrogation interest in third party claims and lawsuits. (551.071)
- B. Mosher Enterprises, Inc. vs. Far West Insurance Co. and City of El Paso, Cause No. 2001-005, Our File No. 01-S-50. (551.071)

Motion made by Representative Power, seconded by Representative Rojas and unanimously carried to adjourn the Executive Session at 2:05 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Cook, seconded by Representative Power and carried that the appropriate City Attorney be **AUTHORIZED TO SETTLE THE CITY'S WORKERS' COMPENSATION SUBROGATION INTEREST IN THIRD PARTY CLAIMS AND LAWSUITS** and be authorized to reduce the City's lien up to the amount as recommended by the City Attorney's Office, and be authorized to sign all necessary settlement documents on behalf of the City.

AYES:	Representatives Austin, Lozano, Cook, Power, Rojas and Cobos
NAYS:	Representative Cushing
NOT PRESENT:	Representative Escobar

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the lawsuit entitled **Mosher Enterprises, Inc. vs. Far West Insurance Co. and City of El Paso, Cause No. 2001-005**, as recommended by the City Attorney.

Motion made by Representative Cook, seconded by Representative Austin and unanimously carried to adjourn this meeting at 2:09 p.m.

APPROVED AS TO CONTENT:



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Richarda Duffy Momsen, City Clerk